



Via ECF:

Honorable Philip M. Halpern, U.S.D.J.
Southern District of New York
The Hon. Charles L. Bricant Jr. Federal Building
and United States Courthouse
300 Quarropas St.
White Plains, NY 10601

DANIEL ZEMEL, ESQ.

660 BROAD STREET

The application to stay briefing on the pending motion for sanctions is denied. The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 46.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern".

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 1, 2021

Re: Tescher v. Experian Information Solutions Inc. *et al.*
7:21-cv-2266-PMH
Request to Stay Briefing on Loan Depot's Motion for Sanctions

Honorable Court,

My firm represents Plaintiff Chaim Tescher. Plaintiff writes requesting that briefing on Defendant Loan Depot (Loan Depot)'s Motion for Sanctions be stayed. On July 19, 2021, Defendant moved to dismiss Plaintiff's complaint arguing that Plaintiff's claim lacks merit primarily by introducing a document outside of the pleadings. Presuming victory, Defendant now wishes to sanction Plaintiff for bringing such a claim in the first place, ECF 43. However, Defendant has not yet prevailed, and Plaintiff has put forth correct arguments and supportive case law evidencing that Plaintiff's claim indeed has merit. Because Defendant's Motions for Sanctions is inherently intertwined with the Court's ruling on the Motion to Dismiss, Plaintiff believes briefing the Sanctions motion at this time is premature. If Plaintiff defeats Defendant's Motion to Dismiss, then the Motion for Sanctions will be similarly be mooted. Accordingly, Plaintiff requests that his opposition to the motion be stayed, pending a briefing schedule entered by the Court after the Motion to Dismiss is adjudicated. Defendant opposes this request.

Respectfully,

Daniel Zemel, Esq.

Cc: all counsel of record via ECF.